

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GUY T. MITCHELL and ROYAL PALM
SENIOR INVESTORS, LLC.,

Plaintiff(s),

- against -

08 Civ. 4319 (JES)

ORDER

CARBON CAPITAL II, INC.,
Defendant(s).

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The above-captioned action having come before the Court, and plaintiff Guy Mitchell having requested leave to amend his Complaint, and defendant having opposed plaintiff's request, and defendant having represented that it wishes to convert its Motion to Dismiss into a Motion for Summary Judgment, and the Court having considered all matters raised, it is

ORDERED that the Court reserves decision on plaintiff's request for leave to file an amended complaint, and it is further

ORDERED that the Oral Argument on defendant's Motion to Dismiss previously scheduled for October 1, 2008 shall be and hereby is adjourned, and it is further

ORDERED that a Pre-Motion Conference shall occur on September 23, 2008 at 3:00 p.m. in Courtroom 14C, 500 Pearl Street.

Dated: New York, New York
August 25, 2008



for John E. Sprizzo
United States District Judge